

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M.)
HALEY, EXECUTIVE DIRECTOR,)
ex rel. KENNETH PROBST,)
Complainant,)
v.)
EVERGREEN HELICOPTERS)
OF ALASKA, INC.,)
Respondent.)

ASCHR No. J-10-334

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Kenneth Probst, hereby alleges the following against Respondent Evergreen Helicopters of Alaska, Inc.:

1. Respondent Evergreen Helicopters of Alaska, Inc. (“Evergreen”) is an Alaska corporation and a subsidiary of Evergreen Helicopters, Inc. (“EHI”), an Oregon corporation. EHI and its subsidiaries provide helicopter and fixed wing aircraft services domestically and internationally.
2. Kenneth Probst was employed by Evergreen as Director of Maintenance from November 2, 2008 to July 15, 2010.
3. On July 15, 2010, when Mr. Probst was seventy-one years old, EHI’s president directed Evergreen’s president to terminate Mr. Probst’s employment with Evergreen effective immediately.

1 4. According to Respondent, Mr. Probst was terminated for lack of
2 management skills and the inability to handle the duties of his position.

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4 5. The president of Evergreen, Mr. Probst's supervisor, disagreed with the
5 termination of Mr. Probst's employment and believed that Mr. Probst was an excellent
6 manager and did not have performance problems.

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8 6. After his employment was terminated, Respondent replaced Mr. Probst
9 with his younger assistant.

10 **FIRST CAUSE OF ACTION**
11 **TERMINATION BECAUSE OF AGE**
12 **A VIOLATION OF AS 18.80.220(a)(1)**

13 7. Paragraphs 1-6 above are realleged and incorporated herein.

14 8. Mr. Probst was seventy-one years old when his employment was
15 terminated by Respondent.

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17 9. Mr. Probst was qualified to perform the functions of his job as Director of
18 Maintenance at Evergreen and was performing well in that position.

19 10. Despite his qualifications and excellent performance, Mr. Probst's
20 employment with Evergreen was terminated.

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22 11. Mr. Probst was replaced with a younger, less qualified individual.

23 12. Respondent's termination of Mr. Probst's employment constituted age
24 discrimination in violation of AS 18.80.220(a)(1).
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ACCUSATION- Page 2

ASCHR, Paula M. Haley, Executive Director, ex rel., Kenneth Probst v. Evergreen Helicopters of Alaska, Inc., ASCHR No. J-10-334

13. Because of Respondent's termination of Mr. Probst's employment, he has suffered harm in the form of lost wages and benefits.

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent Evergreen Helicopters of Alaska, Inc. violated AS 18.80.220(a)(1) by terminating Kenneth Probst's employment because of age.

2. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law.

3. That the Commission order Respondent to obtain in-person training of at least six hours in length for national managers and supervisors and of at least three hours in length for its Alaska-based managers and supervisors on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, and that such order specify that the trainer and training curriculum be approved by the Executive Director prior to the training being conducted.

4. That the Commission order Respondent to eliminate from Mr. Probst's personnel records all documents and entries relating to the facts and circumstances that led to Mr. Probst's filing of the above-captioned charge and any of the related events occurring thereafter.

ACCUSATION- Page 3

ASCHR, Paula M. Haley, Executive Director, ex rel., Kenneth Probst v. Evergreen Helicopters of Alaska, Inc., ASCHR No. J-10-334

